

REMARKS

This application has been carefully reviewed in light of the Office Action dated July 27, 2005. Claims 1 to 20 and 22 to 29 are in the application, of which Claims 1, 3, 22 and 28 are independent. Reconsideration and further examination are respectfully requested.

The Office Action entered rejections of all claims based on art, primarily under § 102(e) over U.S. Patent 6,324,691 (Gazdik), or under § 103(a) over Gazdik in view of U.S. Patent 6,788,800 (Carr). The rejections are all respectfully traversed.

Gazdik relates to generation of a custom distribution media package based on an original distribution media package on which an Internet download option is provided. Although Gazdik is not altogether clear on this point, the original distribution media package presumably contains software components that accompanied an original distribution of a software suite. As explained commencing at line 30 of Gazdik's column 3, a customized distribution package is obtained by following a six-step process in which the user accesses the software developer's site on the internet (presumably using the "Internet download option" provided on the original distribution media package), the user selects which software components he desires to include in his new distribution package, a comparison is made between the software components that have been selected and those that reside on the developer's site, a mass storage medium is identified on which the new distribution package will be created, the required files are copied to the new distribution medium, wherein the required files are either copied from the original distribution package or newly-downloaded from the developer's site, and the installation data files are updated.

In maintaining the rejection over Gazdik, the Office Action took the position that the original component files contained in Gazdik's original distribution media

package correspond to claim language that refers to identification information on software to be downloaded. According to the Office Action:

“It could not be any clearer that the main purpose for the component files residing in the original distribution media package is to identify the updated versions of the component files to be downloaded. Needless to say, the original distribution media package storing said component files clearly anticipates ‘a portable information storage medium storing software information on software to be downloaded via a network, including identification information on the software to be downloaded’.” (Office Action at page 3, emphasis in original).

Applicant strongly disagrees with this characterization of the original component files stored on Gazdik’s original distribution media package. As clearly explained at Gazdik’s column 3, although it is possible that one purpose of the original component files is to determine when newer versions are available on the developer’s site, it is not the purpose of the original component files to identify which of the component files are to be downloaded. Rather, that function falls to Gazdik’s user, who is responsible for “selecting which software components the user desires to include in the new distribution media package” (see lines 39 and 40 of Gazdik’s column 3). Indeed, Gazdik clearly states that his new customized distribution media package can also include components which were unknown when the original package was manufactured. This functionality could not be possible if it were based on the component files that form part of the original distribution media package, since it is not possible for non-existent component files to identify their replacements. Rather this functionality is only available because it is the user who selects which of the software components should be included in the customized distribution media package.

To emphasize this distinction, between Gazdik’s reliance on a user to select which software components he desires to include in a customized distribution media package, and the invention’s reliance on identification information for identifying software to be downloaded, the claims herein have been amended so as to specify that the software

is downloaded "automatically" from the network in accordance with software information stored on the claimed portable information storage medium.

Thus, as set forth in independent Claims 1 and 28, a portable information storage medium loadable into an information processing device connected to a network includes a storage area for storing software information. The software information includes identification information for identifying the software to be downloaded, and location information representing a location on the network at which the software to be downloaded is stored. In Claim 1, the software information includes secret information on a user who uses the software to be downloaded, whereas in Claim 28 the software information includes authentication information to be used for authentication performed before downloading the software from the network. The software is downloaded automatically from the network in accordance with the software information.

In Claims 3 and 22, a portable information storage medium is connected to a portable-information-storage-medium connection unit, wherein the portable information storage medium stores information identifying software to be acquired via a network from a server. Predetermined information is read from the portable information storage medium when the portable information storage medium is connected to the portable-information-storage-medium connection unit. Software is downloaded from the server via the network in accordance with the identifying information stored on the portable information storage medium, and such a download is "automatic". The downloaded software is stored in an internal storage medium, and thereafter managed.


As explained in prior responses, Gazdik is not seen to disclose or to suggest the foregoing arrangements, and in particular is not seen to disclose or to suggest storage of information identifying software to be acquired via a network from a server on a portable information storage medium, together with automatic download of software from the network in accordance with the stored information.

The remaining art applied against the claims, including the patent to Carr, has all been reviewed but is not seen to add anything to the above-noted deficiencies of Gazdik.

It is therefore respectfully that the claims herein are fully in condition for allowance, and such action is courteously solicited.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Attorney for Applicant
Michael K. O'Neill
Registration No. 32,622

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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